

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAUL S. VENEGAS,

Plaintiff,

v.

RANDY STEPHENS, LINDA
STEPHENS, DOES 1 TO 10,

Defendants.

No. CV 15-7217 SVW (FFMx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

The Court will remand this action to state court summarily because Defendants removed it improperly.

On September 14, 2015, Defendants Randy Stephens and Linda Stephens, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15U09329), filed a Notice of Removal of that action to this Court and also presented applications to proceed without prepaying fees or costs.

The Court has denied the applications under separate cover because the Court lacks jurisdiction over the action. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction, and

1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
3 complete diversity of citizenship existed, the amount in controversy does not exceed the
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
8 28 U.S.C. §§ 1331, 1441(b).

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
10 Court of California, County of Los Angeles, Stanley Mosk Courthouse, Central District,
11 111 N. Hill Street, Los Angeles, California 90012 for lack of subject matter jurisdiction
12 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
13 the state court; and (3) that the Clerk serve copies of this Order on the parties.

14 IT IS SO ORDERED.

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16 DATED: September 25, 2015



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STEPHEN V. WILSON
United States District Judge

Presented by:

23 /S/ FREDERICK F. MUMM
24 FREDERICK F. MUMM
United States Magistrate Judge